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Attorney's Docket No.: 10005265-1
Response dated Jan. 8, 2007
Reply to Office action dated Sep. 6, 2006

Remarks

I. Status of claims

Claims 1-21, 23-30, and 32-40 were pending.

Claims 23 and 32 have been canceled without prejudice.

II. Claim rejections under 35 U.S.C. § 112

The Examiner has rejected all the pending claims under 35 U.S.C. § 112, first paragraph, "as failing to comply with the written description requirement."

A. The Examiner's position

The Examiner's rejection under 35 U.S.C. § 112, first paragraph, concerns the following subject matter recited in independent claim 1 and the corresponding subject matter recited in independent claim 11, in which the term "voice device" is replaced by --wireless device--:

> wherein the access module additionally is configured to create a replacement reference identifying a data item identified by a messaging/collaboration server reference into the messaging/collaboration data, pass the replacement reference to the voice device without passing the data item, and store an association between the replacement reference and the messaging/collaboration server reference.

On page 2, line 22, through page 3, line 7, the Examiner has summarized his position as follows (emphasis added):

> It is agreed, following consideration of the Declaration by Stanley Foster, that Applicant has provided a written description for the limitations of "to create a replacement reference identifying a data item identified by a messaging/collaboration server reference into the messaging/coloration data." However, Applicant's Specification, as originally filed, is still lacking for a written description of the limitations "pass the replacement reference to the voice device without passing the data item" and "store an association between the replacement reference and the messaging/collaboration server reference".

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The Examiner has explained his position as follows (see page 11, line 14, through page 12, line 16; emphasis added):

> The Declaration under 37 CFR 1.132, filed 12 June 2006, is insufficient to overcome the rejection of claims 1 to 21, 23 to 30, and 32 to 40, based upon 35 U.S.C. 112, first paragraph, as set forth in the last Office Action because, fundamentally, even assuming that everything stated in the Declaration of Stanley Foster is correct, Applicant's Specification still does not support claim limitations to "pass the replacement reference to the voice device without passing the data item, and store an association between the replacement reference and the messaging/collaboration server reference". The Declaration of Stanley Foster does provide evidence that one skilled in the art would identify a GUID and a GUID reference number from Applicant's computer code. However, Applicant's claims present issues of new matter at least because the limitations go beyond simply saying there are replacement references for the messaging/collaboration data. Applicant's claims further include steps relating to passing a replacement reference to a voice device and storing an association between the replacement reference and the messaging collaboration server reference. It is suggested that Applicant could overcome the new matter issues by broadening the claims to an extent where there are no elements relating to passing the replacement reference "to the voice device without passing the data item", nor elements relating to "storing an association between the replacement reference and the messaging/collaboration server reference" within independent claims 1 and 11. That is, it is now understood that Applicant's Specification discloses passing only simple references for replacing actual referenced data on the server. However, independent claims 1 and 11 set forth more than just passing simple references for replacing actual referenced data.

Thus, the Examiner's position is that although the specification describes that "the access module additionally is configured to create a replacement reference identifying a data item identified by a messaging/collaboration server reference into the messaging/collaboration data," the specification does not describe that the access module is configured to "pass the replacement reference to the voice device without passing the data item, and store an association between the replacement reference and the messaging/collaboration server reference."

B.   Applicant's rebuttal to the Examiner's position

The Examiner's rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn for at least the reasons explained below. Although, the following discussion focuses on the limitations recited in independent claim 1, this discussion applies with equal force to the corresponding limitations of independent claim 11, in which the term "voice device" is replaced by --wireless device--.

1.   The specification discloses that "the access module is configured to "pass the replacement reference to the voice device without passing the data item"

Contrary to the Examiner's position, the application reasonably conveys to one skilled in the art that the access module is configured to "pass the replacement reference to the voice device without passing the data item."

First, the disclosure on page 16, lines 16-21, reasonably conveys to one skilled in the art that the access module is configured to "pass the replacement reference to the voice device without passing the data item." In particular, this portion of the specification explicitly teaches that:

> ... access module 120 manages sessions by creating XML structures for holding long variable names and references, and by passing only simple references (e.g., an HTTP cookie) to the destination device. When the destination device needs particular data, the simple reference may be replaced on the server with the actual referenced data, which may be passed to the messaging/collaboration server.

One skilled in the art reasonably would have understood from this disclosure that the access module 120 passes simple references to the destination device without passing the actual referenced data. Indeed, this disclosure teaches that the access module 120 passes "only" simple references and that, when the destination device needs particular data, the simple reference is replaced on the server. The Examiner has maintained his rejection under 35 U.S.C. § 112, first paragraph, without ever addressing this disclosure of the application. Instead, the Examiner merely has asserted his deemed conclusion that "...fundamentally, even assuming that everything stated in the Declaration of Stanley Foster is correct, Applicant's Specification still

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does not support claim limitations to 'pass the replacement reference to the voice device without passing the data item' ..." If the Examiner decides to reassert his rejection under 35 U.S.C. § 112, first paragraph, in the next Office action, the applicant respectfully requests that the Examiner explain his basis for believing that this disclosure does not reasonably convey to one skilled in the art that the access module is configured to "pass the replacement reference to the voice device without passing the data item."

Second, the exemplary specific embodiments disclosed on pages 16-18 of the specification also reasonably convey to one skilled in the art that the access module is configured to "pass the replacement reference to the voice device without passing the data item."

In accordance with the exemplary embodiment described on pages 16-18 of the specification, the access module 120 divides a large message into a plurality of smaller sub-messages and transmits to the destination device a sessionID_Inbox.wml file (see page 16, line 30, through page 18, line 3), which "contains a list of the sub-messages that may be accessed by the device" (page 16, line 28). The access module 120 also stores on the server the sessionID_Inbox.xml file shown on page 18 (see page 18, lines 6-8).

As implicitly acknowledged by the Examiner (see, e.g., page 3, lines 1-3, of the Office action), one skilled in the art at the time the application was filed readily would have recognized that the numbers "1", "2", "3", "4", and "5", which are preceded by the "ID=" statements in the sessionID_Inbox.xml file, correspond to the simple references that are passed to the destination device (see also ¶¶ 14-15 of the Declaration by Stanley Foster). Analogously, such a person also would have recognized that the exemplary sessionID_Inbox.wml file, which is transmitted to the destination device, contains the following simple references: "1-5" (see page 17, line 16); "6" (see page 17, line 21); "7" (see page 17, line 26); "8" (see page 17, line 31); "9" (see page 17, line 36); "10" (see page 17, line 41). The sessionID_Inbox.wml file "contains a list of the sub-messages that may be accessed by the device" (page 16, line 28); however, it does not contain the actual referenced data (i.e., the message items in the "Inbox" folder that are identified by the GUID reference numbers associated with ID type values).

Thus, the specification discloses an exemplary embodiment in accordance with which the access module 120 transmits the sessionID_Inbox.wml file to a destination device ("such as a WAP-enabled mobile phone"; page 16, line 25). The sessionID_Inbox.wml file "contains a list

of the sub-messages that may be accessed by the device" (page 16, line 28), but it does not contain the actual referenced data (i.e., the message items in the "Inbox" folder that are identified by the GUID reference numbers associated with ID type values). Therefore, the specification reasonably would have conveyed to one skilled in the art that the access module is configured to "pass the replacement reference to the voice device without passing the data item," as recited in independent claim 1.

This conclusion is affirmed by the statements in ¶¶ 14 and 15 (reproduced below) of the Declaration by Stanley Foster, which the Examiner has assumed to be correct (see page 11, lines 16-17 of the Office action):

> 14. The "ID=" statements in the sessionID_Inbox.xml file tell an XML parser running on the Microsoft Exchange server to replace the respective simple references (i.e., the ID type values "1", "2", "3", "4", and "5") with the associated GUID reference numbers. Each of the "ID=" statements is an indirection to map from a respective ID type value provided by a client to an associated GUID reference number that is maintained in some session context by the server in the sessionID_Inbox.xml file, where "ID" is a tag that is used to pass the simple reference that replaces the associated GUID reference number.

> 15. When applied to the exemplary sessionID_Inbox.xml file on page 18, lines 10-34 of the present patent application, the disclosure on page 16, lines 16-19, of the present patent application means that the access module 120 creates the sessionID_Inbox.xml file and passes the simple references (i.e., the ID type values "1", "2", "3", "4", and "5") to the destination device without passing the actual referenced data (i.e., the message items in the "Inbox" folder that are identified by the GUID reference numbers associated with ID type values).

For at least these reasons, the application reasonably conveys to one skilled in the art that the access module is configured to "pass the replacement reference to the voice device without passing the data item."

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2. The specification discloses that "the access module is configured to "store an association between the replacement reference and the messaging/collaboration server reference"

Contrary to the Examiner's position, the application reasonably conveys to one skilled in the art that the access module is configured to "store an association between the replacement reference and the messaging/collaboration server reference."

The Examiner has acknowledged that the specification describes that "the access module additionally is configured to create a replacement reference identifying a data item identified by a messaging/collaboration server reference into the messaging/collaboration data" (see page 3, lines 1-3 of the Office action).

As explained in ¶ 7 of the Declaration by Stanley Foster, which the Examiner has assumed to be correct (see page 11, lines 16-17 of the Office action):

> On page 18, lines 10-34, the present patent application discloses a sessionID_Inbox.xml file that contains "ID=" statements, which associate respective simple references (i.e., the ID type values "1", "2", "3", "4", and "5") with GUID (Globally Unique IDentifier) numbers that reference respective messages in an "Inbox" folder that is maintained by a Microsoft Exchange server on which the access module 120 is executing.

The sessionID_Inbox.xml file therefore contains associations (i.e., "ID=" statements) between the replacement reference (i.e., the ID type values "1", "2", "3", "4", and "5") and the messaging/collaboration server reference (i.e., the associated GUID reference numbers).

On page 18, lines 7-8, the specification teaches that the access module 120 stores the sessionID_Inbox.xml file on the server. Therefore, in the exemplary embodiment disclosed on page 18, the specification discloses that the access module 120 is configured to "store an association between the replacement reference and the messaging/collaboration server reference."

3. Conclusion

For at least the reasons explained above, the specification reasonably conveys to one skilled in the art that the access module is configured to "pass the replacement reference to the

voice device without passing the data item, and store an association between the replacement reference and the messaging/collaboration server reference."

III.   Claim rejections under 35 U.S.C. § 103

A.   Claims 1, 2, 5, 8-12, 15, 18-21, 24-26, 30, 33-35, 39, and 40

The Examiner has rejected claims 1, 2, 5, 8-12, 15, 18-21, 24-26, 30, 33-35, 39, and 40 under 35 U.S.C. § 103(a) over Halahmi (U.S. 6,684,088) in view of Fakes (U.S. 5,793,970).

Independent claims 1 and 11 have been amended and now incorporate the following features of claims 23 and 32: "the access module is configured to transmit the referenced data item to the voice [wireless] device in response to receipt of the replacement reference from the voice [wireless] device."

Regarding the features of claims 23 and 32, the Examiner has stated that:

> Concerning claims 23 and 32, Halahmi teaches that a user may enter a command to select an e-mail message ("a referenced data item") from a list of e-mail messages by message identification numbers ("a reference") (column 8, lines 1 to 12; column 8, lines 61 to 65), whereupon a formatted message is prepared and sent to the wireless communication device for display to the user (column 8, lines 40 to 47).

As acknowledged by the Examiner, however, Halahmi does not teach or suggest anything about a replacement reference of the type recited in independent claims 1 and 11 (see page 4, lines14-19 of the Office action). To make-up for this failure of Halahmi's disclosure, the Examiner has relied on the teachings of Fakes (see page 5, lines 9-12 of the Office action): "It would have been obvious to one having ordinary skill in the art to utilize replacement references to identify data items as taught by Fakes et al. in a system and method for displaying electronic mail messages on a low bandwidth device of Halahmi for a purpose of reducing the size of identification codes to minimize an amount of transmission and data storage resources." In the proposed combination of Halahmi and Fakes, the Examiner has stated that the two-byte index that is assigned to each GUID by the store software 23 corresponds to the replacement reference recited in the claims. Fakes, however, does not teach or suggest that the message store software 23 transmits the referenced data item in response to receipt of the two-byte index from the local

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computer 20. To the contrary, Fakes teaches that the two-byte indices merely identify the GUIDs of the folders and messages (see col. 6, lines 60-61); they do not provide access to the folders and messages (see col. 5, lines 28-33). In accordance with Fakes' teachings, the messaging software 22 on the local computer 20 instead must use the message and folder SDIDs in order to open the folders and messages (see col. 5, lines 28-33).

Therefore, the combination of Halahmi and Fakes would not result in the inventive subject matter now defined in independent claims 1 and 11. For at least this reason, the Examiner's rejection of claims 1 and 11 now should be withdrawn.

Claims 2, 5, 8-10, 21, 24-26, and 39 incorporate the features of independent claim 1 and therefore are patentable over Halahmi and Fakes for at least the same reasons explained above.

Claims 12, 15, 18-20, 30, 33-35, and 40 incorporate the features of independent claim 11 and therefore are patentable over Halahmi and Fakes for at least the same reasons explained above.

B.   Claims 3, 4, 13, and 14

The Examiner has rejected claims 3, 4, 13, and 14 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Trower (U.S. 5,983,190).

The Examiner has indicated that (emphasis added):

> Halahmi does not expressly disclose a Component Object Model (COM) to instantiate a server object <u>in response to a request for service</u>. However, Trower, II et al. teaches a client server animation system for speech input and output services of web page scripts using a speech synthesis engine and a speech recognition engine (Column 2, lines 21 to 49). A Component Object Model (COM) generates character animations to obtain general and specific information about a character (Column 17, line 24 to Column 20, line 19). COM interface provides format particularly well-suited to transfer data across process boundaries (Column 18, lines 2 to 5). It would have been obvious to one having ordinary skill in the art to apply a Common Object Model (COM) to instantiate server objects <u>in response to a request for service</u> as taught by Trower, II et al. in the voice browser system of Halahmi for the purpose of providing a format particularly well-suited to transfer data across process boundaries.

In this rejection, the Examiner has not addressed the actual language recited in claims 3, 4, 13, and 14. In particular, each of claims 3, 4, 13, and 14 recites that the COM object is invoked in response to a request form completed by the voice or wireless device. The Examiner has not pointed to any disclosure in any of the cited references that teaches or suggests invoking a COM object in response to a request form completed by a device, as recited in claims 3, 4, 13, and 14. Therefore, the Examiner has not established a proper *prima facie* case of obviousness with respect to these claims (see MPEP § 706.02(j)).

Moreover, neither Halahmi now Fakes nor Trower teaches or suggests anything about responding to a request form completed by a voice device or a wireless device. Therefore, no permissible combination of Halahmi, Fakes, and Trower possibly could teach or suggest the features recited in claims 3, 4, 13, and 14 in which a voice interface access page is configured to invoke a COM object in response to a request form completed by a voice device or a wireless device.

For at least these reasons, the Examiner's rejection of claims 3, 4, 13, and 14 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Trower should be withdrawn.

In addition, Trower does not make-up for the failure of Halahmi and Fakes to teach or suggest an access module that is configured to transmit the referenced data item to the voice [wireless] device in response to receipt of the replacement reference from the wireless device, as recited in independent claims 1 and 11. For this additional reason, the Examiner's rejection of claims 3, 4, 13, and 14 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Trower should be withdrawn.

C.   Claims 6, 7, and 17

The Examiner has rejected claims 6, 7, and 17 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Albayrak (U.S. 6,662,163).

Each of claims 6 and 7 incorporates the features of independent claim 1 and claim 17 incorporates the features of independent claim 11. Albayrak does not make-up for the failure of Halahmi and Fakes to teach or suggest an access module that is configured to transmit the referenced data item to the voice [wireless] device in response to receipt of the replacement reference from the wireless device, as recited in independent claims 1 and 11. For at least this

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reason, the Examiner's rejection of claims 6, 7, and 17 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Albayrak should be withdrawn.

D.   Claims 16, 27, and 36

The Examiner has rejected claims 16, 27, and 36 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Zarom (U.S. 6,356,529).

Claim 16 incorporates the features of independent claim 1 and each of claims 27 and 36 incorporates the features of independent claim 11. Zarom does not make-up for the failure of Halahmi and Fakes to teach or suggest an access module that is configured to transmit the referenced data item to the voice [wireless] device in response to receipt of the replacement reference from the wireless device, as recited in independent claims 1 and 11. For at least this reason, the Examiner's rejection of claims 16, 27, and 36 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Zarom should be withdrawn.

E.   Claims 28, 29, 37, and 38

The Examiner has rejected claims 28, 29, 37, and 38 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Wolfe (U.S. 6,507,817).

Each of claims 28 and 29 incorporates the features of independent claim 1 and each of claims 37 and 38 incorporates the features of independent claim 11. Wolfe does not make-up for the failure of Halahmi and Fakes to teach or suggest an access module that is configured to transmit the referenced data item to the voice [wireless] device in response to receipt of the replacement reference from the wireless device, as recited in independent claims 1 and 11. For at least this reason, the Examiner's rejection of claims 28, 29, 37, and 38 under 35 U.S.C. § 103(a) over Halahmi in view of Fakes and Wolfe should be withdrawn.

IV.   Conclusion

For the reasons explained above, all claims are now in condition for allowance and should be allowed.
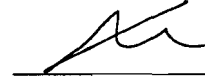
Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

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Respectfully submitted,

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